REMARKS

In the Office Action mailed December 15, 2005, claims 1-3, 5, 11, 18, 20, 21, 23, 28, 35, 38 and 40 were rejected under 35 U.S.C. § 102(b) for being anticipated by Reyes et al. (United States patent number 6,315,312).

Claims 12 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reyes et al.

Claims 4, 6, 7, 9, 10, 14-16, 22, 24-27, 32-34, 36, 37, 39, 41-43 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reyes et al. in view of Dudouyt (United States patent number 4,245,848).

Claims 8 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reyes et al. in view of Lee (United States patent number 6,648,345).

Claims 13 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Reyes et al. in view of Oldendorf (United States patent number 4,060,253).

Applicant submits that claim 1 defines over Reyes et al. Respectfully, this reference does not disclose or render obvious a skateboard assembly that includes a mounting member that is disposed through a resilient member so as to extend from one end of the resilient member to an opposite end of the resilient member. Support for this claim amendment may be found at least from page 7, line 27 to page 8, line 11 of Applicant's application and in at least Figures 2 and 3 of Applicant's drawings.

Turning to Reyes et al., this reference discloses a skateboard truck that is described as having "substantial advantages" over conventional skateboard trucks in that the mounting or king pin is not subjected to significant stresses (see Reyes et al. at column 5, lines 33-34 and 52-58). Reyes et al. achieves this advantage by spacing the mounting pin 36 from the inner wall 44 of the wedge member 40 and the inner wall of the resilient member 52 in addition to being spaced from the inner wall of the tapering projection 46 (see Reyes et al. at column 5, lines 29-34; and Fig. 2). The design in Reyes et al. attempts to isolate the mounting pin 36 from contact with other components of the truck assembly in order to reduce stress thereon (see Reyes et al. at column 5, lines 9-11). As shown in Fig. 2 of Reyes et al., the tapering projection 46 is disposed through the resilient member 52 from an end of the resilient member 52 to a location just short of its midpoint.

Claim 1 of Applicant's application calls for a skateboard assembly in which the mounting member is disposed through the resilient member so as to extend from one end of the resilient member to an opposite end of the resilient member. In contrast, the tapering projection 46 in Reyes et al. extends from an end of the resilient member 52 to a location just short of its midpoint.

Further, it would not have been obvious for one having ordinary skill in the art to modify Reyes et al. so that the tapering projection 46 extends all the way to the upper end of the resilient member 52. With such a modification, the tapering projection 46 would contact or be in close proximity to the plate 94.

One of the advantages of the truck assembly in Reyes et al. is to provide a design in which a controlled amount of force can be applied to the mounting pin 36 in order to compress resilient member 52 a controlled extent in order to adjust rotational resistance and overall feel of the skateboard during turns (see Reyes et al. at column 5, lines 36-45). Extension of the tapering projection 46 would frustrate this adjustment because the plate 94 would contact the top of the tapering projection 46 instead of compressing the resilient member 52 upon adjustment. As the proposed modification would render the reference being modified unsatisfactory for its intended purpose, there can be no suggestion or motivation to make the proposed modification.

Further, Reyes et al. seeks to minimize stress on the mounting pin 36 by attempting to isolate contact between the mounting pin 36 and other components of the skateboard assembly. Extension of the tapering projection 46 to the end of the resilient member 52 would cause contact with the plate 94 such that forces exerted on the tapering projection 46 would be transferred through the rigid plate 94 and into mounting pin 36. In effect, extension of the tapering projection 46 would create stress on the mounting pin 36, the very situation Reyes et al. explicitly seeks to avoid. As such, Applicant respectfully submits that there is no motivation for one having ordinary skill in the art to modify Reyes et al. in such a manner.

Applicant submits that claim 1 defines over Reyes et al. and is in condition for allowance. Also, all claims that depend from claim 1, claims 2-16, are also in

condition for allowance as their rejections are made moot due to the allowance of claim 1.

As stated, claim 18 was rejected under 35 U.S.C. § 102(b) for being anticipated by Reyes et al. In the present amendment, Applicant has amended claim 18 in a similar manner to claim 1 and submits that claim 18 defines over Reyes et al. for essentially the same reasons as discussed above with respect to claim 1 and is allowable. Further, all claims that depend from claim 18, claims 20-34 and 36, are also allowable as their rejections are rendered moot due to the allowance of claim 18.

As stated, claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reyes et al. in view of Dudouyt. Claim 37 has been amended to call for the mounting member to be disposed through the cavity of the resilient member in order to extend from one end of the resilient member to an opposite end. Although not exact, the amendment to claim 37 is similar to the amendment made to claim 1 and Applicant incorporates the arguments made above with respect to the patentability of claim 1 over Reyes et al. Further, incorporation of Dudouyt into Reyes et al. fails to achieve the truck assembly called for in claim 37. Dudouyt does not have a tapering projection or any other equivalent structure so therefore there is no motivation for one to extend the tapering projection 46 in Reyes et al. to the end of the resilient member 52. Additionally, even if Dudouyt did disclose a tapering projection that extends to the end of a resilient member it would not have been obvious to incorporate this

feature into Reyes et al. because Reyes et al. teaches away from such a configuration as discussed above with respect to claim 1. As such, Applicant respectfully submits that claim 37 defines over Reyes et al. in view of Dudouyt and is in condition for allowance.

Claim 38 was rejected under 35 U.S.C. § 102(b) as being anticipated by Reyes et al. Presently, Applicants have amended claim 38 to call for a resilient member in which the insert is disposed through the body portion so as to extend from one end of the body portion to an opposite end of the body portion. Support for this claim amendment may be found on at least page 12, lines 27-31 of Applicant's application and in at least Figs. 2 and 3 of the drawings.

Reyes et al. discloses a wedge member 40 that is made of a substantially rigid material such as aluminum or rigid plastic (see Reyes et al. at column 3, lines 38-41). The wedge member 40 extends from the bottom end of the resilient member 52 but does not extend to an opposite end. Instead, the wedge member 40 extends only to an inner lip of the resilient member 52 and not to an end opposite the bottom end. Further, it would not have been obvious for one having ordinary skill in the art to modify Reyes et al. so that the wedge member 40 extends to the top of the resilient member 52. Such a modification would prevent the plate 94 from compressing the resilient member 52 as the plate 94 would contact the rigid wedge member 40. Therefore, adjustment of the resistance of the skateboard truck could not be accomplished. Additionally, stress would be imparted onto the mounting pin 36 as forces would be

transferred from the rigid wedge member 40 into the mounting pin 36 through plate 94. As stated, Reyes et al. specifically teaches a design that reduces stress on the mounting pin 36 through isolation of this element.

Therefore, Applicant respectfully submits that claim 38 defines over Reyes et al. and is in condition for allowance. Also, all claims that depend from claim 38 (claims 39-43 and 45) are allowable as their rejections are made moot due to the allowance of claim 38.

Applicant respectfully submits that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience to resolve any remaining issues.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

Neal P. Pierotti
Registration Number: 45,716
P.O. Box 26029
Greenville, SC 29616-1029
(864) 987-9696 (phone)
(864) 987-9686 (fax)